

REMARKS

By this amendment, applicants have amended claim 1:

- (1) to recite that the process is a two-step process involving first contacting laundry article with low aqueous liquid and subsequently rinsing the articles with clean dry cleaning solvent (suggested, for example, at pages 37, lines 6-8 and page 8, lines 28-31); and
- (2) to recite "consisting essentially of "language in order to highlight that only these two steps occur and there is no, for example, non-aqueous liquid step.

At pages 2-4 of the Office Action, the Examiner has rejected claims to the application under obvious-type non-statutory double patenting over (1) U.S. Patent No. 6,846,790; (2) U.S. Patent No. 6,900,166; (3) U.S. Patent No. 7,244,276; (4) co-pending U.S. Application No. 10/539,001; and (5) co-pending U.S. Application No. 10/540,711.

In this regard, applicants submit a Terminal Disclaimer which terminally disclaims that portion of granted U.S. Patent No. 6,846,790, 6,900,166 and 7,244,276 which runs beyond the expiration date of any claim granted on the subject application; and also disclaiming that portion of any claim on any patent which should grant on U.S. Serial No. 10/539,001 and/or 10/540,711 which should run beyond the expiration date of any claim granted on the subject application.

In view of the terminal disclaimer, it is respectfully requested that the Examiner withdraw all rejections of the claims issued on the basis of statutory-type double patenting.

At page 4 of the Office Action, the Examiner has rejected the claims over U.S. Publication 2003/0097718 to Evers et al. (Evers '718) as anticipated under 35 USC §102.

Evers '718 relates to a requested process for dry cleaning articles comprising

- (a) at least one non-aqueous dry cleaning step; and
- (b) at least one low-aqueous dry cleaning step.

As indicated above, applicants have amended claim 1 to recite a process consisting essentially of a first low aqueous step and subsequent solvent rinse step. Thus, besides the fact that non-aqueous step required in Evers (wherein the non-aqueous composition used in Evers comprises surfactant) is specifically excluded in the subject invention, even if somehow the non-aqueous step were construed as the solvent rinse of the subject invention, in Evers '718, the non-aqueous step is sequentially first.

In view of this amendment, it is respectfully requested that the rejection under 35 USC §102(e) be withdrawn.

At page 5 of the Office Action, the Examiner has further rejected claims 1-3 and 6-10 under 35 USC §103(a) over U.S. Publication No. 2002/0115582 to Perry et al. (Perry '582) in view of U.S. Publication No. 2002/0142932 to Goedhart et al. (Goedhart '932).

First, it is noted that Perry '582 fails to suggest the benefit of a specific laundry sequence in which articles are contacted first with low aqueous compositions and subsequently rinsed with dry cleaning solvent.

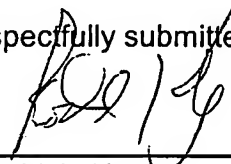
Further, it is noted that compositions of the subject invention are low aqueous compositions as seen by the fact that water to cloth ratio is less than 0.45 and water to surfactant ratio is at most 1.5. Perry '582 teaches away from using low aqueous compositions since, according to Perry, cleansing is enhanced in the presence of water (see paragraphs 0076 and 0078, for example). The combination with Goedhart '932 adds nothing to remedy these fundamental deficiencies since Goedhart discloses no criticality as to sequencing; and no criticality of low water (e.g., water can range up to 39% by wt.).

In short, the specific sequence of the subject invention, and the criticality of low aqueous and solvent only step are not required by the cited art.

In view of the amendment and discussion above, it is respectfully requested that the Examiner reconsider and withdraw the rejections of the claims.

In view of the amendment and discussion above, including submission of a terminal disclaimer, it is respectfully requested that the Examiner withdraw the rejection of the claims and that all claims, as amended, be allowed.

Respectfully submitted,



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